

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Kenneth Saunders, Jr.,

Plaintiff,

v.

Case No. 1:10cv836

Barak Obama, *et al.*,

Judge Michael R. Barrett

Defendants.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on December 30, 2010 (Doc. 6).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds the Magistrate Judge's Report and Recommendation to be correct. Therefore, the Court **ADOPTS** the Report and Recommendation (Doc. 6) **DENYING** Plaintiff's Motion to Proceed In Forma Pauperis (Doc. 1).

Plaintiff has filed a Motion for Extension of Time to Pay Filing Fee (Doc. 8). Plaintiff's motion is premised on his desire to "protect his spouse from further plundering of the spouses (sic) personal assets." Yet, as explained in the Report and Recommendation, the Court is obligated to consider the income and assets of an applicant's spouse in determining the applicant's financial ability to pay the filing fee. (Doc. 6 at 1 and cases cited therein). Plaintiff's Motion for Extension of Time implicitly indicates that his spouse's

assets are sufficient to pay the filing fee in this action, yet plaintiff chooses not to avail himself of those resources. Plaintiff's request for additional time is therefore not well-taken and the motion is **DENIED**.

Plaintiff is granted thirty (30) days within which to pay the filing fee in this case. Plaintiff's complaint shall not be deemed "filed" until the appropriate filing fee is paid. See *Truitt v. County of Wayne*, 148 F.3d 644, 648 (6th Cir. 1998). If plaintiff fails to pay the filing fee within this time limit this matter will be closed.

**IT IS SO ORDERED.**

S/Michael R. Barrett  
Michael R. Barrett  
United States District Judge